

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**  
 Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

**MOTION INFORMATION STATEMENT**

Docket Number(s): 16-3877 & 17-8

Caption [use short title]

Motion for: Leave to Participate at oral argumentPaulsen v. PrimeFlight Aviation Services, Inc.

Set forth below precise, complete statement of relief sought:

Leave to participate at oral argumentMOVING PARTY: SEIU Local 32BJ, amicus☐ Plaintiff☐ Defendant☐ Appellant/Petitioner☐ Appellee/RespondentOPPOSING PARTY: PrimeFlight Aviation Services, Inc.MOVING ATTORNEY: Brent Garren

[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: Frank BirchfieldSEIU Local 32BJ, 25 West 18th Street,Ogletree Deakins, 1745 Broadway, Floor 22, New York, NY 10019NY, NY 10011; 212-388-3943(212) 492-2518, frank.birchfield@ogletree.combgarren@seiu32bj.orgCourt-Judge/Agency appealed from: USDC, Eastern District of New York, Judge Brian M. Cogan**Please check appropriate boxes:**

Has movant notified opposing counsel (required by Local Rule 27.1):



Yes

☐ No (explain):

Opposing counsel's position on motion:



Unopposed

☒ Opposed☐ Don't Know

Does opposing counsel intend to file a response:



Yes

☐ No☒ Don't Know**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:**

Has request for relief been made below?



Yes



No

Has this relief been previously sought in this Court?



Yes



No

Requested return date and explanation of emergency:

Is oral argument on motion requested?



Yes



No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?



Yes



No

If yes, enter date:

Signature of Moving Attorney:

/s/Brent GarrenDate: June 6, 2017

Service by:



CM/ECF



Other [Attach proof of service]

# 16-3877 & 17-8

---

## UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

---

JAMES G. PAULSEN, Regional Director of Region 29 of the  
National Labor Relations Board, for and on behalf of the  
NATIONAL LABOR RELATIONS BOARD,

*Petitioner-Appellee-Cross-Appellant,*

v.

PRIMEFLIGHT AVIATION SERVICES, INC.,

*Respondent-Appellant-Cross-Appellee.*

---

ON APPEAL AND CROSS APPEAL FROM AN ORDER OF THE UNITED STATES  
DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

---

### MOTION OF AMICUS CURIAE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 32BJ FOR LEAVE TO PARTICIPATE AT ORAL ARGUMENT

---

BRENT GARREN  
THOMAS I.M. GOTTHEIL  
OFFICE OF THE GENERAL COUNSEL  
SEIU Local 32BJ  
25 West 18<sup>th</sup> Street  
New York, New York 10011  
(212) 388-3943

*Attorneys for Amicus Curiae Service  
Employees International Union, Local 32BJ*

COMES NOW the Amicus Curiae SEIU Local 32BJ (“Local 32BJ”), Charging Party in the National Labor Relations Board proceedings below, and respectfully moves the Court for leave to participate at oral argument, which has not yet been scheduled.

The Counsel for the NLRB Regional Director has consented to the Union’s participation and has agreed to cede a portion of his time to the Union. PrimeFlight Aviation Services (the “Employer”) does not consent to the Union’s request. The Union also attaches Local 32BJ’s executed Oral Argument Statement (Local Rule 34.1(a). This Court granted the Union’s Motion to Participate as Amicus Curiae in Docket No. 43, March 17, 2017

Presently pending before the Court are cross appeals arising out the National Labor Relations Board’s (NLRB) petition for injunctive relief pursuant to § 10(j) of the National Labor Relations Act (“NLRA”) (29 U.S.C. § 160(j)). Relief was sought pending the final disposition of the matter in which the General Counsel alleges that the Employer unlawfully failed to recognize and bargain with the Union, based on the Employer’s assertion that it is under the jurisdiction of the Railway Labor Act, 45 USC §§ 151 et seq., not the NLRA. The Regional Director cross-appeals from a limitation on bargaining concerning shifts and schedules imposed by the District Court.

The Union, as the Charging Party, appeared before the District Court and appeared before the Administrative Law Judge. The Union has wide experience in organizing and representing contracted out airport employees and seeks to supplement the position of the Regional Director based on this experience and as a party to the bargaining which has been limited by the District Court.

WHEREFORE, Local 32BJ respectfully submits that its Motion for Leave to Participate at Oral Argument be granted.

**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2017, the foregoing Motion of Amicus Curiae Service Employees International Union Local 32BJ For Leave to Participate At Oral Argument was served on all parties or their counsel of record through the *CM/ECF* system.

/s/Brent Garren  
Brent Garren  
Attorney for Amicus Curiae  
SEIU Local 32BJ